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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,599	08/30/2001	Gary L. Swoboda	TI-30481	2479

23494 7590 01/04/2006

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EXAMINER

SAXENA, AKASH

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/943,599	Applicant(s) SWOBODA ET AL.	
	Examiner Akash Saxena	Art Unit 2128	

–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 09 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,4,5,13,15,16,23,24,27-30.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____.

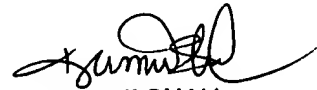
Continuation of 11. does NOT place the application in condition for allowance because: No amendments were made to the claims. Applicant has argued against the prior art to go around the prior art, however the claims as recited do not contain the elements as argued. For example, on Pg.10 applicant argues, "There is no teaching in Mann that a full count in the synchronization register TSYNCH causes generation of a new segment address." (Examiner disagrees - See comments below for remarks on Pg.9). The limitation relating to "full count in the TSYNCH register" is not recited in the claim 1 rejection.

Another example of the limitation argued but not claimed is on Pg. 10 where the applicant argues: "Further there is no teaching in Mann that the address provided by the entries in Table 6 (Mann) are specified as an offset to a synchronization marker as recited in claim 1". There is no recitation in claim 1 that the synchronization marker is providing any address and more so if this address is any different from the base address or program counter address as disclosed by Mann. Also see Mann as cited in remarks on Pg.9 where all the TCOED entries are synchronizing events providing base address/program counter address.

Applicant argues on page 8 that "a change in segment base address is communicated as part of the trace stream" and on page 9 "Mann teaches that the trace address values are offset from the prior and still unchanged segment base address". The two arguments argument seems contrary to each other as it unclear from applicant's argument if the argument is being made for or against the change in the segment base address. However, Mann clearly teaches updating the base address.

Further, as recited from Mann on Pg.9 of the remarks, "all TCODEs except TCODE=1 are synchronizing events providing address information. Thus, in the described embodiment each trace entry having TCODE not equal to 1 causes a counter to be loaded to a value in the TSYNCH register which allows the counter to count the desired number of trace records generated before current program address is provided." Hence the (base) address information is continuously updated whenever synchronization is performed.

The claims as recited do not teach over prior art, however examiner would be in favor of examining amended claims which clearly read over and overcome the teachings of the prior art cited.



KAMINI SHAH
SUPERVISORY PATENT EXAMINER